

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**DENNIS APPEL and
CHRISTOPHER BOSHOF**

PLAINTIFFS

V.

NO. 4:21-CV-37-DMB-JMV

**KYLE MILLS TRUCKING &
CUSTOM HARVESTING, LLC
and KYLE MILLS**

DEFENDANTS

ORDER

On July 6, 2022, finding that the parties had reached a valid and enforceable settlement agreement, this Court ordered the defendants “to execute within ten (10) days ... all documents to effectuate the settlement and, within the same time period, pay the plaintiffs the full [\$34,000] amount due under the settlement agreement.” Doc. #54. After the defendants failed to comply with the Court’s July 6 order, the plaintiffs filed a “Motion for an Order to Show Cause Why Defendants Should Not Be Held in Contempt.” Doc. #61. The defendants subsequently filed a “Motion to Establish a Settlement Payment Schedule,” seeking “a modified payment schedule ... to satisfy their settlement obligations.” Doc. #66. On October 6, 2022, the Court, on the plaintiffs’ motion, entered a judgment against the defendants and set a hearing on the contempt motion for November 3, 2022. Docs. #71, #72, #73.

On November 3, 2022, based on the parties’ representations that the defendants paid \$15,500 towards the settlement and would “pay the rest of the monies owed by January 3, 2023,” the Court continued the hearing on the contempt motion until further notice. Doc. #75.

By e-mail on January 4, 2023, the parties advised the Court that the defendants “sent by FedEx two checks in the amount of \$9,150.00 each ... dated January 3, 2023, and January 13,

2023;” these “two payments will fulfill the Defendant’s [sic] settlement obligation;” and counsel is discussing “a potential agreed upon figure for attorney fees relative to their efforts to enforce the settlement.”

Based on the parties’ recent representations about the status of the settlement, the plaintiffs’ pending contempt motion [61] and the defendants’ pending payment schedule motion [66] are **DENIED without prejudice as moot.**

SO ORDERED, this 5th day of January, 2023.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE